

On January 27, 1913, the defendant company entered a plea of nolo contendere to the first count of the information, and the court imposed a fine of \$100 and costs. The second count of the information, charging misbranding of the product, was nolle prossed.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

2868. Misbranding of feed. U. S. v. The Purity Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4158. I. S. No. 13689-d.)

On March 3, 1913, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Purity Milling Co., a corporation, Manhattan, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 16, 1911, from the State of Kansas into the State of Oklahoma, of a quantity of so-called Alfalfa Molasses Feed, which was misbranded. The product was labeled: "100 lbs. The Purity Milling Co. Alfalfa Molasses Feed, Manhattan, Kansas. Analysis: Protein 13.69%; fat .74%; fiber 19.94%; moisture 11.71%; ash 10.17%; nitrogen free extract 43.75%" (On tag): "100 lbs. Molasses Feed, analysis: crude protein 13.69%; fiber 19.94%; ash 10.17%; ether extract .74%; moisture 11.71%; nitrogen free extract 43.75%; Manufactured by the Purity Milling Co., Manhattan, Kansas."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Moisture (per cent).....	17.81
Ether extract (per cent).....	.88
Protein (per cent).....	10.92
Crude fiber (per cent).....	22.06

Misbranding of the product was alleged in the information for the reason that the statement on the label on each of the sacks containing the product, "protein 13.69%," was false and misbranded, as the product contained but 10.92 per cent of protein, which is one of the valuable ingredients of stock feed, and further, in that the statement "fiber 19.94%" was false and misleading, as it conveyed the impression that this amount of crude fiber, which is an undesirable ingredient, was present therein, when in fact a greater amount of crude fiber was present, to wit, 22.06 per cent. Misbranding of the product was alleged for the further reason that it was labeled and branded so as to deceive the purchaser into the belief that there was a greater amount of protein, a valuable constituent, therein, than was actually present, and that there was a less amount of crude fiber, which is an undesirable ingredient, than was actually present therein.

On April 15, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

2869. Adulteration and misbranding of mustard. U. S. v. Belle Isle Mustard Works. Plea of guilty. Fine, \$10. (F. & D. No. 4159. I. S. No. 2837-d.)

On July 30, 1912, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Belle Isle Mustard Works, a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on September 20, 1911, from the State of Michigan into the State of Ohio, of a quantity of mustard which was adulterated and misbranded. The product was labeled: (On one end of barrels) "Belle Isle Brand prepared Mustard, put up by E. A. Charbonneau, Detroit, Mich. 45" (On other end of barrels) "Finn & Labadie, Cleveland, Ohio."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Total solids (per cent).....	13.36
Remaining water (per cent).....	5.94
Salt (per cent).....	16.64
Fat (per cent).....	19.38
Crude fiber (per cent).....	7.99
Nitrogen (per cent).....	3.59
Nitrogen to salt, fat, and water free basis (per cent).....	6.18
Protein, air-dry (per cent).....	22.43
Protein (salt, fat, and water free basis) (per cent).....	38.62
Turmeric (per cent), approximately.....	.75
Crude fiber (per cent).....	13.29

Adulteration of the product was alleged in the information for the reason that it was an inferior mustard and was colored with turmeric, an artificial coloring, in a manner whereby the appearance of a superior grade of mustard was simulated and the inferiority of the article was concealed, as shown by the analysis set forth above. Misbranding was alleged for the reason that the product was labeled or branded so as to deceive or mislead the purchaser thereof, in that the label contained the words and figures set forth above, the statement on the label "Prepared Mustard," without any qualifying statement, being false and misleading, as it conveyed the impression that the product was prepared mustard free from artificial coloring matter, whereas it was a mixture of mustard and turmeric, an artificial coloring matter.

On February 22, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

2870. Misbranding of cottonseed meal. U. S. v. Fort Smith Cotton Oil Co. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 4164. I. S. No. 9118-d.)

On August 6, 1912, the United States Attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fort Smith Cotton Oil Co., a corporation, engaged in business at Fort Smith, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on October 17, 1911, from the State of Arkansas into the State of Vermont, of a quantity of cottonseed meal which was misbranded. The product was labeled: (On tag) "S. P. Davis, Little Rock, Arkansas, Cotton Seed Meal Good Luck Brand . . . 100 pounds Gross Guaranteed Analysis: Ammonia 8 to 8½ per cent; Protein 41 to 43 per cent; Nitrogen 6½ to 7 per cent; Oil or Fat 7 to 9 per cent; Crude Fibre, not over 10½ per cent; Made from Decorated Cotton Seed S. P. Davis, Shipper . . . Little Rock, Arkansas."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following result: Protein, 38.75 per cent. Misbranding of the product was alleged in the information for the reason that the statement on the tag, "Protein 41 per cent," was false and misleading, as it conveyed the impression that this amount of protein—a valuable ingredient—was present in the product, whereas in fact a less amount thereof was present, to wit, 38.75 per cent. Misbranding of the product was alleged for the further reason that it was labeled and branded so as to deceive and mislead the purchaser into the belief that the protein content thereof was 41 per cent, whereas in fact a less amount of this valuable ingredient, to wit, 38.75 per cent, was present.

On August 20, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15 and costs of \$14.65.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1914.*